

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Theodore Lester McWhite, Jr.,)	C/A No. 1:11-2756-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Wesley Ingram,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Theodore Lester McWhite, is an inmate at the Manning Correctional Institution of the South Carolina Department of Corrections. He brings this action pursuant to 42 U.S.C. § 1983¹ claiming excessive force and denial of medical treatment.

The Magistrate Judge assigned to this action² has prepared a Report and Recommendation and opines that the plaintiff's motion for summary judgment and motion for default judgment should be denied. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was also advised of his right to file objections to the Report and Recommendation, which was entered on the docket on June 18, 2012. However, the plaintiff

¹ The plaintiff has filed this action *in forma pauperis* under 28 U.S.C. § 1915.


² The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, the plaintiff's motions for summary judgment (ECF No. 12) and for default judgment (ECF No. 28) are denied.

This matter shall be returned to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

July 12, 2012
Columbia, South Carolina